

Tonbridge Castle **559203 147145** **6 August 2014** **TM/14/01407/CR4D**

Proposal: Proposed demolition of existing building and open-sided structure on site and replacement with 14 new residential dwellings together with access, parking, garaging, landscaping and ancillary works

Location: Land To South And South East Of 15 Shipbourne Road
Tonbridge Kent

Applicant: Kent County Council

1. Description:

- 1.1 Planning permission is sought for the construction of 14 new dwellings comprising 10no. 3-bedroom units (a mix of terraced and semi-detached housing), 2no. 4-bedroom detached houses and 2no. flats. As part of the scheme for redevelopment, it is proposed to demolish the existing building and an open sided canopy structure within this site.
- 1.2 A building containing the two flats and a house would be located at the front of the site, in line with the neighbouring buildings fronting onto Shipbourne Road (nos. 4 and 15). Access to the site would be from Shipbourne Road via the existing site access located at the northern end of the site adjacent to No.15 Shipbourne Road. Within the main body of the site, the remaining dwellings would be arranged to face onto the new access road, part of which would be built to an adoptable standard. In total 31 car parking spaces would be provided: 27 in open bays, 2 within car barns and 2 within garages.
- 1.3 The buildings would contain 2 or 2 ½ storeys of accommodation (the top floor being located within the roof voids). The building fronting onto Shipbourne Road would stand 9.5m high at its highest point. The three bedroom dwellings would stand 9.3m high at ridge level and the four bedroom houses would stand 8.6m high at ridge level.
- 1.4 Specific details of materials have not been submitted at this stage, but the application forms indicate the use of brick with tile hanging and weatherboarding for the external wall finishes.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Branson in response to the local interest generated by this planning application.

3. The Site:

3.1 The site is located within the urban confines of Tonbridge, on the east side of Shipbourne Road. The site was formerly used for retail purposes (the former World of Pots site). The site is now vacant containing one building, an open sided canopy structure and an extensive area of hard standing. The site is bounded by residential properties to the east and south and by Shipbourne Road to the west. The boundary of the Tonbridge Conservation Area runs through the site in a north/south alignment. The land on the western half of the site (fronting onto Shipbourne Road) lies within the Conservation Area.

4. Planning History:

4.1 None relevant.

5. Consultees:

5.1 KCC(Highways): It is my understanding that the first 22m of access road are to be traditionally kerbed. Beyond that both the extent of adopted and unadopted access will be a shared surface which is considered acceptable for a development of this scale. This enables the swept paths of service vehicles to be undertaken without overrunning kerbed areas. I write to confirm that the vehicle parking standards proposed are also acceptable and on behalf of the Highway Authority I have no objection to this proposal.

5.1.1 In order to undertake the necessary improvements to the Shipbourne Road at the access point, the applicant will need to enter into a Section 278 agreement with the Highway Authority. It is further considered, should this application be approved that it would be advisable for the applicant to provide a construction management plan, designed to minimise disruption during implementation.

5.2 KCC (Economic Development): Contributions sought towards primary and secondary education, community learning, youth services, libraries and adult social care.

5.3 Private Reps: 12/3X/7R/0S plus site & press notice. Grounds of objection are as follows:

- The development will cause structural damage to the adjacent Grade II Listed Building.
- Loss of light to neighbouring properties.
- Disturbance during the construction works.
- No details of boundary treatments have been submitted.
- Is any car parking for existing residents being considered?

- Overlooking and loss of privacy from the proposed development.
- The development is tight.
- The plans do not take into account the access to the rear of the pub car park which serves 10 properties.
- The access to the site must be clearly delineated.
- The development will prevent access to adjacent land in separate ownership.
- Additional consideration needs to be given to the access to/from Shipbourne Road.
- Is the proposed brick wall to be built on the east boundary of the site appropriate in this location?

6. Determining Issues:

- 6.1 Current Government guidance contained within paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with the development plan without delay; and where the development plan is out of date or silent, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.2 One of the core principles of the NPPF (paragraph 17) is to encourage the effective use of previously developed land, providing it is not of high environmental value.
- 6.3 The site is located within the urban confines of Tonbridge where policy CP 11 of the TMBCS seeks to concentrate new development (as well as other defined urban areas). The development would be an efficient use of previously development land in a highly sustainable location close to Tonbridge town centre.
- 6.4 The route of the London Road to Hadlow Road link passes through the site. However, as Members will be aware, this project will not now be undertaken. The proposed development does not, therefore, conflict with policy SP1 of the DLA DPD which seeks to safeguard this land for the road link.
- 6.5 Accordingly, I consider the principle of the proposed development to be acceptable.
- 6.6 Policy CP24 of the TMBCS requires all developments to be well designed and to respect the site and its surroundings in terms of density, layout, siting, character and appearance.

- 6.7 Policy SQ1 of the MDE DPD states that all new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.8 Part of the site (its western half) is located within the Tonbridge Conservation Area. Accordingly, account must be taken of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and current Government guidance contained within section 12 of the NPPF which both require special attention to be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area
- 6.9 The Tonbridge Conservation Area appraisal describes the site's frontage as being a "visual intrusion" and lacking enclosure. The east side of Shipbourne Road to the north and south of the site is characterised by buildings sited on the back edge of the pavement and standing between 2 and 4 storeys in height. The CA appraisal describes Shipbourne Road as being 'narrow and enclosed', which contrasts sharply with the open spacious character of the London Road/Shipbourne Road junction.
- 6.10 As part of the proposed development, a new building would be erected fronting directly on to Shipbourne Road. This building would contain a gable end fronting the road with lower height 'wings' located on either side. The ground floor of this building would be constructed from brickwork, with the first floor clad with weatherboarding with the exception of the front facing gable end, which would be clad with tile hanging. This building, in terms of its height, form and detailed design, has been influenced by the form and design of the existing buildings located on either side of the site, fronting onto Shipbourne Road. It would create the enclosure currently lacking along this part of Shipbourne Road and would remove the defined visual intrusion with a respectful building of a traditional design and scale. This element of the proposed development would considerably enhance the character and appearance of the Conservation Area, which should be welcomed.
- 6.11 The area surrounding the application site is one of contrasts in terms of building pattern. Portman Park contains dwellings that front on to the street as well as containing backland developments. House and plot sizes vary greatly within this street. To the north east of the site, the Hayden Mews development comprises terraces of dwellings arranged around two central courtyards. These developments of course also vary greatly with the character of Shipbourne Road.
- 6.12 The development as a whole proposes dwellings with a traditional form and appearance. The height of the proposed buildings would be similar to neighbouring buildings. Whilst specific details of materials have not been submitted at this stage, the suggested combination of brickwork, weatherboarding and tile hanging respects the palette of materials used in the locality. Given the

particular wider context around the site, the proposed development is considered to appropriately reflect the prevailing character and layout of development within the locality, which again should be welcomed.

- 6.13 It is proposed to remove some trees located within the south east corner of the site and others located along the northern boundary. These trees are predominantly Sycamore, Damson, and Leyland Cypress. Mature trees are proposed to be retained and additional tree planting is indicated to take place on the submitted layout plan. The loss of the trees identified on the submitted plans as part of the overall scheme would not detract from the character of the locality and, indeed, consent is not required to remove these trees as they are located outside the Conservation Area.
- 6.14 Members will be aware that when assessing the impact on highway safety, consideration must be given to how the proposed development compares to the impact of the lawful (retail) use of this site. In this case, the submitted Transport Assessment make such a comparison and states that the proposed development would generate fewer daily traffic movements than those generated by the previous retail use of this site. The assessment notes that during the morning peak hour, 6 additional vehicle movements would be made with the proposed development. However this is not considered to be a significant increase in movements during this period.
- 6.15 With regard to car parking, the site is regarded as being in an 'edge of centre' location for the purpose of applying the adopted car parking standards. These require 1 car parking space to be provided for the flats and 3 bedroom dwellings and 1.5 spaces for the four bedroom dwellings. Applying these standards, there could not be a requirement for more than 15 car parking spaces to be provided to serve this development. The scheme actually proposes a total of 31 spaces, which includes 3 spaces for the use by the existing property at 15 Shipbourne Road. The amount and layout of the car parking spaces within this development is considered to be acceptable given the type of dwellings proposed. The highway authority considers the development to be acceptable in terms of highway safety.
- 6.16 The existing access serving this site also provides access to other properties located to the north of the site. Private rights of access over land is not a material planning consideration but I understand that the proposed layout would not interfere with the access arrangements serving the neighbouring properties or other adjoining land and a clear delineation would be made between the existing and proposed accesses.
- 6.17 It is also appreciated that the existing area of hardstanding at the front of the site has historically been used by patrons of the adjacent public house, local residents and employees of nearby offices. A total of 9 parking spaces are proposed to be created to the rear of the public house, to serve its customers, and this scheme is

reported elsewhere on this Agenda. However, the loss of the historic parking that has existed on this site is not a justifiable ground to resist its development given that the arrangements could be ended at any time without any control of LPA.

- 6.18 A key concern of local residents is how the proposed development might impact upon their amenity. Indeed, objections have been raised regarding loss of light and privacy. A daylight/sunlight assessment has been submitted as part of this application which concludes that the development would not cause unacceptable overshadowing or loss of light to 4 and 7 Shipbourne Road. I have made my own assessment using the guidance contained within the Building Research Establishment's document, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" and I agree with the conclusion that the development would not cause an unacceptable loss of daylight or sunlight to these neighbouring properties.
- 6.19 The flank wall of Unit 3 would be located between 5m and 6m from the flank wall of 4 and 7 Shipbourne Road. This separation is sufficient in ensuring that the proposed building would not appear unduly oppressive when viewed from these neighbouring properties. The remaining units have been arranged to not directly overlook the neighbouring dwellings or their private garden areas. It is proposed to erect a 2.5m high brick wall along the eastern boundary of the site and to plant replacement trees and shrubs inside it. This would help to safeguard the privacy of the properties located to the east of the site by having a boundary defined by a more solid and taller structure than a typical close boarded fence. I am satisfied that the proposed development would not cause unacceptable detriment to the amenity of the neighbouring properties in terms of overlooking/loss of privacy.
- 6.20 The proposed dwellings would be subject to road traffic noise from Shipbourne Road. Mitigation measures are likely to be required for at least some of the dwellings to ensure that future residents have a reasonable aural environment. A condition can be used to ensure that appropriate noise mitigation measures are incorporated into this development.
- 6.21 Although I appreciate the concerns raised by the owner of 4 Shipbourne Road, there is no indication that the development itself would result in structural damage to the adjacent Listed Building. However it is apparent that care will need to be taken with any development of this site to ensure that the physical act of building close to this Listed Building does not itself cause damage to it. This is, of course, a matter for the eventual developer of the site to take into account, not the LPA. However, I would recommend the use of an informative, should permission be granted, to highlight the matter.
- 6.22 Policy OS3 of the MDE DPD states that on all residential developments of 5 units or above, there will be a requirement for open space provision in accordance with the quantitative standards set out in Policy Annex OS3. Where it is impractical or inappropriate to provide this on-site, a financial contribution will be sought for

either new provision or the enhancement of existing open spaces within the relevant accessibility threshold. Given the limited size of the application site, there is no potential to provide open space on site meaning that a contribution should be sought in accordance with the Open Space Calculator provided at Annexe D of policy OS3. Securing this will be the subject of a legal agreement should Members be minded to grant planning permission.

6.23 KCC has requested a contribution towards primary and secondary schools, libraries, youth and community facilities and adult social services. The Community Infrastructure Levy Regulations (6 April 2010), replacing the previous tests for planning obligations set out in Circular 05/2005, contains three Statutory tests. Regulation 122 states that a planning obligation may only be required if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.24 The case for requiring a developer contribution towards primary and secondary school places is accepted and for a development of this size should not be contested. The applicant is aware of this requirement; again, this can be the subject of a legal agreement. However, in respect of libraries, youth and community facilities and adult social services, there has been no detailed evidence demonstrating that existing facilities in the area could not absorb the needs of future residents and therefore the remaining contributions sought cannot be justified at this time.

6.25 In conclusion, the proposed development would be an efficient use of previously developed land close to Tonbridge town centre. The scheme would significantly enhance the character and appearance of the Conservation Area, responding directly to the negative attributes of the site that are identified within the Conservation Area appraisal. The development has been designed and laid out in such a way that respects the character of development in the locality and would not cause harm to highway safety or residential amenity. For these reasons, I consider that planning permission should be granted and I recommend accordingly.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details:
Existing Site Layout DHA/9865/02 A dated 09.07.2014, Location Plan DHA/9865/01 C dated 06.08.2014, Proposed Layout DHA/9865/03 D dated 06.08.2014, Proposed Layout DHA/9865/04 D dated 06.08.2014, Proposed Plans and Elevations DHA/9865/08 A dated 06.08.2014, Proposed Plans and Elevations DHA/9865/12 dated 06.08.2014, Report OVERSHADOWING ANALYSIS dated

16.04.2014, Letter dated 16.04.2014, Design and Access Statement dated 16.04.2014, Bat Survey dated 16.04.2014, Planning Statement dated 16.04.2014, Flood Risk Assessment dated 16.04.2014, Transport Statement dated 16.04.2014, Desk Study Assessment dated 16.04.2014, Tree Report dated 16.04.2014, Proposed Floor Plans DHA/9865/05 dated 16.04.2014, Proposed Floor Plans DHA/9865/06 dated 16.04.2014, Proposed Floor Plans DHA/9865/07 dated 16.04.2014, Street Scenes DHA/9865/09 dated 16.04.2014, Proposed Plans DHA/9865/10 dated 16.04.2014, Drawing DHA/9865/11 C dated 13.10.2014, subject to:

- a contribution towards public open space enhancements as set out in policy OS3 of the MDE DPD;
- a contribution towards the provision of primary and secondary school places;

The following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 No development shall take place until details of the finished floor levels of the dwellings hereby approved have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 6 The first floor window on the east elevation of unit 14 serving the landing shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 7 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 8 Prior to the commencement of development a scheme for noise attenuation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be at least sufficient to secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in kitchens/dining rooms with windows at least partially open, and to secure external noise levels in gardens of no greater than 50dB LAeq,T. Additionally, where the internal noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78 LAmax (Slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

- 9 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 10 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 11 Units 6-12 (inclusive) shall not be occupied until such time as the boundary wall located along the east boundary of the site has been erected in accordance with plan no. DHA/9865/11C and then it shall be retained at all times thereafter.

Reason: In the interests of residential amenity.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The applicant is advised to adopt considerate construction techniques for the duration of the development in order to minimise any detriment caused to local residents. For example, the applicant is advised to park all construction and worker's vehicles within the site and to avoid working outside normal working hours of 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays with no working on Sundays, Bank or public holidays.
- 3 The applicant is advised to undertake the Bat emergence and re-entry surveys referred to in section 6 of the submitted Bat Scoping Survey prior to the demolition of the building within this site and to consult with Natural England regarding the need for licences should bats be found to be roosting within this building.
- 4 The applicant is advised to take particular care when undertaking development close to the Grade II Listed Building at 4 Shipbourne Road.

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